

**REPORT OF THE AUDIT OF THE
MCCRACKEN COUNTY
SHERIFF**

**For The Year Ended
December 31, 2003**



**CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS
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EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE MCCRACKEN COUNTY SHERIFF

**For The Year Ended
December 31, 2003**

The Auditor of Public Accounts has completed the McCracken County Sheriff's audit for the year ended December 31, 2003. Based upon the audit work performed, the financial statement presents fairly, in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting described in Note 1.

Financial Condition:

Excess fees decreased by \$6,121 from the prior year, resulting in excess fees of \$1,165,706 as of December 31, 2003. Revenues increased by \$33,743 from the prior year and expenditures increased by \$37,943.

Report Comments:

- The Sheriff Should Require Depository Institutions To Pledge Or Provide Sufficient Collateral To Protect Deposits
- The McCracken County Sheriff's Office Is Prohibited By Law From Receiving A Gift Or Donation From A Nongovernmental Entity

CONTENTS

PAGE

INDEPENDENT AUDITOR'S REPORT	1
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS	3
NOTES TO FINANCIAL STATEMENT	5
COMMENTS AND RECOMMENDATIONS	11
REPORT ON COMPLIANCE AND ON INTERNAL CONTROL OVER FINANCIAL REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS	15



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Danny Orazine, McCracken County Judge/Executive
The Honorable Frank G. Augustus, McCracken County Sheriff
Members of the McCracken County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the County Sheriff of McCracken County, Kentucky, for the year ended December 31, 2003. This financial statement is the responsibility of the County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Sheriff's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the County Sheriff for the year ended December 31, 2003, in conformity with the regulatory basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated August 20, 2004, on our consideration of the County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grants. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be read in conjunction with this report in considering the results of our audit.



The Honorable Danny Orazine, County Judge/Executive
The Honorable Frank G. Augustus, McCracken County Sheriff
Members of the McCracken County Fiscal Court

Based on the results of our audit, we have presented the accompanying comments and recommendations, included herein, which discusses the following report comments:

- The Sheriff Should Require Depository Institutions To Pledge Or Provide Sufficient Collateral To Protect Deposits
- The McCracken County Sheriff's Office Is Prohibited By Law From Receiving A Gift Or Donation From A Nongovernmental Entity

This report is intended solely for the information and use of the County Sheriff and Fiscal Court of McCracken County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these interested parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

Audit fieldwork completed -
August 20, 2004

MCCRACKEN COUNTY
FRANK G. AUGUSTUS, COUNTY SHERIFF
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2003

Revenues

State Grants		\$ 2,951
State - Kentucky Law Enforcement Foundation Program Fund		100,439
State Fees For Services:		
Finance and Administration Cabinet	\$ 116,218	
Cabinet For Human Resources	4,363	120,581
Circuit Court Clerk:		
Fines and Fees Collected	\$ 2,975	
Court Ordered Payments	360	3,335
Fiscal Court		81,968
County Clerk - Delinquent Taxes		7,295
Commission On Taxes Collected		694,081
Fees Collected For Services:		
Auto Inspections	\$ 43,870	
Accident and Police Reports	585	
Serving Papers	81,002	
Carrying Concealed Deadly Weapon Permits	8,115	
Arrest Fees	15,239	148,811
Other:		
Insurance Reimbursements, Sheriff's Sales, and Executions	\$ 43,559	
Second Notices and Advertising Fees	94,732	
Overage/Shortage	(41)	138,250
Interest Earned		6,750
Total Revenues		\$ 1,304,461

The accompanying notes are an integral part of this financial statement.

MCCRACKEN COUNTY
FRANK G. AUGUSTUS, COUNTY SHERIFF
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
For The Year Ended December 31, 2003
(Continued)

Expenditures

Operating Expenditures:

Contracted Services-

Advertising	\$	323
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Materials and Supplies-

Office Materials and Supplies		109
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Other Charges-

Executions		28,973
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Refunds		130
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Serving Papers Fee		9,906
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State and DARE Grants		2,952
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Commission refunded to tax account		3,522
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Interest refunded to tax account		626
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Carrying Concealed Deadly Weapon Permits		5,718
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Miscellaneous		4,528
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Total Expenditures	\$	56,787
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Net Revenues	\$	1,247,674
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Less: Statutory Maximum		81,968
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Excess Fees Due County for 2003	\$	1,165,706
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Payments to Fiscal Court - Monthly		1,165,706
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Balance Due Fiscal Court at Completion of Audit	\$	0
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The accompanying notes are an integral part of this financial statement.

MCCRACKEN COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2003

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

Kentucky Revised Statute (KRS) 64.820 directs the fiscal court to collect any amount, including excess fees, due from the County Sheriff as determined by the audit. KRS 134.310 requires the County Sheriff to settle excess fees with the fiscal court at the time he files his final settlement with the fiscal court.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive) at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2003 services
- Reimbursements for 2003 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2003

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Fee Pooling

The McCracken County Fiscal Court approved a fee pooling system for the McCracken County Sheriff. Under the fee pooling system, revenues net of direct expenses of the County Sheriff's Office are paid to the McCracken County Treasurer in the subsequent month. Therefore, the Fiscal Court pays almost all of the expenses of the McCracken County Sheriff's Office.

MCCRACKEN COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2003
(Continued)

Note 1. Summary of Significant Accounting Policies (Continued)

D. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems.

This is a multiple-employer public retirement system that covers all eligible full-time employees. Benefit contributions and provisions are established by statute. Hazardous covered employees are required to contribute 8.0 percent of their salary to the plan. The county's contribution rate for hazardous employees was 16.28 percent for the first six months of the year and 18.51 percent for the last six months of the year.

Benefits fully vest on reaching five years of service for hazardous employees. Aspects of benefits for hazardous employees include retirement after 20 years of service or age 55.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record.

Note 3. Deposits

The Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to KRS 66.480(1)(d) and KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. The Sheriff entered into a written agreement with the depository institution and met requirements (a), (b), and (c) stated above. However, as of December 31, 2003, the collateral and FDIC insurance together did not equal or exceed the amount on deposit, leaving \$58,932 of public funds uninsured and unsecured.

MCCRACKEN COUNTY
 NOTES TO FINANCIAL STATEMENT
 December 31, 2003
 (Continued)

Note 3. Deposits (Continued)

The county official's deposits are categorized below to give an indication of the level of risk assumed by the county official at year-end.

	<u>Bank Balance</u>
FDIC insured	\$ 100,000
Collateralized with securities held by pledging depository institution in the county official's name	1,090,746
Uncollateralized and uninsured	<u>58,932</u>
Total	<u><u>\$ 1,249,678</u></u>

Note 4. Drug Fund

The McCracken County Sheriff has a bank account for its Drug Fund (Drug Forfeiture Account). This account is funded by proceeds emanating from the confiscation, surrender, or sale of real and personal property involving drug related convictions. These funds are to be used for law enforcement activities against drugs and any proceeds may be used for the operating expenses of the Sheriff's office. The funds are used to pay for various enforcement operations, equipment, and education. As of January 1, 2003, this account had a balance of \$58,877. During this fiscal year, funds of \$34,566 were received and \$28,545 was expended leaving an ending balance of \$64,898 as of December 31, 2003.

Note 5. Special Fund

The McCracken County Sheriff has a bank account for its federal equitable sharing program. This account is funded by "federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies." The funds "shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern equitable sharing". As of January 1, 2003, this account had a balance of \$81,038. During this fiscal year, bank interest was received of \$42 and an expenditure of \$21,377 was made for the purchase of a law enforcement vehicle, leaving an ending balance of \$59,703 as of December 31, 2003.

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COMMENTS AND RECOMMENDATIONS

MCCRACKEN COUNTY
FRANK G. AUGUSTUS, COUNTY SHERIFF
COMMENTS AND RECOMMENDATIONS

For The Year Ended December 31, 2003

STATE LAWS AND REGULATIONS:

The Sheriff Should Require Depository Institutions To Pledge Or Provide Sufficient Collateral To Protect Deposits

On December 31, 2003, \$58,932 of the Sheriff's deposits of public funds in depository institutions were uninsured and unsecured. According to KRS 66.480(1)(d) and KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with Federal Deposit Insurance Corporation insurance, equals or exceeds the amount of public funds on deposit at all times. We recommend that the Sheriff require the depository institution to pledge or provide collateral in an amount sufficient to secure deposits of public funds at all times.

Sheriff's Response:

The financial institution had committed to a daily check of funds, but failed to do so on this particular date.

The McCracken County Sheriff's Office Is Prohibited By Law From Receiving A Gift Or Donation From A Nongovernmental Entity

A clerk of the McCracken County Sheriff's office received a gift or donation in the amount of \$250 from a nongovernmental entity. These funds were deposited into the McCracken County Sheriff's Drug Fund. KRS 61.310 prohibits a sheriff or deputy, as a peace officer, from receiving gifts and donations. The Sheriff should follow the actions outlined in OAG 82-433 in order to comply with the law. We recommend the Sheriff consult with the County Attorney to implement the necessary corrective actions.

Sheriff's Response:

Consulting with County Attorney to request from Attorney General an opinion. Drug Fund does not contain deposits of fees or taxes collected by the Office and is not used in the paying of Salaries referred to in OAG 82-433, opinion dated August 13, 1982, regarding donations for the upkeep of the Sheriff's Office for the running of the Office. We will not accept any donations, until we hear the Attorney General's opinion requested.

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REPORT ON COMPLIANCE
AND ON INTERNAL CONTROL OVER FINANCIAL
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Danny Orazine, McCracken County Judge/Executive
The Honorable Frank G. Augustus, McCracken County Sheriff
Members of the McCracken County Fiscal Court

Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the McCracken County Sheriff for the year ended December 31, 2003, and have issued our report thereon dated August 20, 2004. This was a special report on the County Sheriff's financial statement prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the McCracken County Sheriff's financial statement for the year ended December 31, 2003, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliances that are required to be reported under Government Auditing Standards and which are described in the accompanying comments and recommendations.

- The Sheriff Should Require Depository Institutions To Pledge Or Provide Sufficient Collateral To Protect Deposits
- The McCracken County Sheriff's Office Is Prohibited By Law From Receiving A Gift Or Donation From A Nongovernmental Entity



Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the McCracken County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

This report is intended solely for the information and use of management and is not intended to be and should not be used by anyone other than the specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crit Luallen', written in a cursive style.

Crit Luallen
Auditor of Public Accounts

Audit fieldwork completed -
August 20, 2004

